

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

(86)
3/1/01
WJ

JOHN RICHARD JAE,
Plaintiff,

CIVIL No. 1-CK-00-031

U.S. District Judge Ram
Magistrate Judge Smyse

VS.

KENNETH D. KYLER et al.,
Defendants.

FILED
HARRISBURG

FEB 28 2001

MARY E. DIAZ, CLERK

Per

DEPUTY CLERK

MOTION FOR AN ORDER REQUIRING PRISON
CHAPLAIN REV. VOGEL AND OFFICER CHARLIE
CRAIG TO SIGN AFFIDAVITS FOR THE PLAINTIFF
HEREIN AND BRIEF IN SUPPORT

COMES NOW, the Plaintiff & his Counsel in the above-entitled
Civil Action, John Richard Jae, a Layman Unlettered in the Arts & Sciences
of the Laws & Legal Procedures within the United States, pursuant
to Fed. R. Civ. P. 56(f) files his Motion For An Order Requiring Prison
Chaplain Rev. Vogel And Officer Charlie Craig To Sign Affidavits
For The Plaintiff Herein And Brief In Support, & who swears, deposes & states

1. On or About October 17, 2000, Defendants, thru Counsel, filed their Motion
Summary Judgment & their Statement Of Undisputed Facts, herein this Civil Right Action.

2. On or About December 5, 2000, Defendants, thru Counsel, filed their Memorandum
Support Of Motion For Summary Judgment & their Documents Supporting Defendants' Motion
For Summary Judgment herein this case.

3. That, based upon the following facts & argument as set forth herein, below & infra, as well as based upon the papers & files, herein this case, which Plaintiff now hereby incorporates herein by reference here all of the same, this Court should, in the interest of fundamental fairness & due process of law, an Order Requiring Prison Chaplain ~~Rev~~ Vogel and Officer Charlie Craig to Sign Affidavits For Plaintiff Herein, herein this case.

BRIEF IN SUPPORT

In their Statement of Undisputed Facts, submitted herein along with their Motion for Summary Judgment, Defendants claim that the Plaintiff has not been prohibited from following the exchange procedure and obtaining any legal or religious books or papers from his stored property.

However, Plaintiff strongly disputes such & argues that such is an outright "lie" by Defendants herein this case.

Defendants also claim in their Answer to Plaintiff's Complaint, as well as therein their Answer, that Plaintiff is not entitled to the materials herein.

Plaintiff had an opportunity to receive his other religious material on November 23, 1999, he did not request such.

However, Plaintiff strongly disputes such ~~allegations~~ such "is" an out an out "lie" by Defendants, ~~in this case~~ the Plaintiff did "not" have an opportunity to receive his other religious material on November 23, 1999, because Defendant Lt. Rhoades order Officer Craig not to give such other religious material which this Plaintiff "did"/"had" requested then to Plaintiff as the PRC had not yet approved such for him.

That, Rex Vogel was ~~is~~ the Prisoner and Chaplain at SCI-Camp Hill.

That, back on November 23, 1999, Officer Charles Craig was the SCI-Camp Hill RHU Property Officer.

That, Rex Vogel was ordered to do an investigation to why this Plaintiff did not receive his other religious materials from his stored Property in the RHU Property Room at SCI-Camp Hill.

That, both Rex Vogel and Officer Charles Craig have information

pertaining & relevant to the ~~the~~ disputed material fact referred to herein, supra, which will not only back up & support the Plaintiff's claims, but will also show that the Defendants "are" "lying" here.

However, the Plaintiff believes & therefore, and submits, that neither Rex Vogel nor Officer Craig will voluntarily sign an Affidavit(s) for the Plaintiff herein, as they would both be concerned that they would get in trouble for doing such and therefore the Plaintiff needs & requests that this Court will order both Rex Vogel and Officer Charlie Craig review the Affidavit which this Plaintiff send them & if such is true to sign & return such to this Plaintiff.

That, given the above & foregoing facts herein, it would be an unfair & prejudicial manifest miscarriage of justice and an unconstitutional denial of due process of law for this Court to deny this Motion as without such requested order this Plaintiff "will" be unable to obtain such Affidavit from Rex Vogel and from Officer Charlie Craig & thus he "will" be illegally denied relevant evidence which he needs to combat & oppose the "lies" & disputed material facts of Defendants' Motion for Summary Judgment.

That, this Plaintiff believes that this Court has the authority under & pursuant to Fed. R. Cr. P. 56(e) to enter the Requested Order; and

(U) HERETOFORE, based upon the above & foregoing facts & arguments herein, Plaintiff John Richard Jae, prays that this Court grant this here Motion in full & enter an order requiring Pri Chaplain Rev Vogel And Officer Charles Craig to sign AFFIDAVITS For The Plaintiff, Herein, herein this case

AND HE SHALL EVER PRAY=

(S) John Richard Jae
 MR. JOHN RICHARD JAE,
 #BQ-3219
 SCI-Pittsburgh
 P.O. Box 99901
 Pittsburgh, PA 15233-0901

Plaintiff and P's Counsel

Dated: 15th FEBRUARY 2001:

Joe vs. Clark, et al.
 CRTI No-1 = CV-00-1090
CERTIFICATE OF SERVICE

I Certify that on 2/16/01, I mailed to the persons listed below a true & correct copy of the written Plaintiff's written Objections to The U.S. Magistrate Judge's Order of January 9, 2001, And Report And Recommendations of February 2, 2001, by U.S. 1st Class Mail, Postage Prepaid.

I Certify that on 2/16/01, I gave the Original of the above same document to prison officials here for mailing to this Court.

FEB 28 2001

MARY E. D'ANDREA, CLERK
 Per

I Certify under penalty of perjury & pursuant to 28 U.S.C. § 1746, that the above, is true & correct.

MR. James D. Young, Esquire
 LAVERY, FAHERTY, YOUNG & PATTERSON, PC.
 Attorneys At Law
 Box 1245
 Harrisburg, PA 17108-1245

MR. Robert M. Wynn
 Assistant Counsel
 PA Dept. of Corrections
 Office of the Chief
 55 Utley Drive
 Camp Hill, PA 17011

Dated/Executed On: (S)

16th February 2001 =

At Harrisburg, Pennsylvania =

John Richard Joe
 MR. JOHN RICHARD JOE
 Plaintiff and R. Se Counsel

From The Desk of
MR. John Richard Jae,
#BQ-3219
SCI-Pittsburgh
P.O. Box 9990
Pittsburgh, PA 15233-0990

February 16, 2001

To: The Office of the Clerk,
United States District Court
228 Walnut Street
P.O. Box 983
Harrisburg, PA 17108-0983

RECEIVED
HARRISBURG, PA

FEB 28 2001

MARY E. D'ANDREA, CLERK
Per SJS

Re: Jae vs. Clark, et al.,
CRT No. 1-CV-00-1090

Dear Clerk:

Please file the Enclosed Plaintiff's written
objections to the U.S. Magistrate Judge's Order of January
9, 2001, And Report And Recommendation of February 2, 2001
herein the above-entitled Civil Action & send such
to U.S. District Judge Rambo for her decision/ruling thereon.

Sincerely,

(s) John Richard Jae
MR. JOHN RICHARD JAE

CC: MR. James D. Young, Esq., Plaintiff and Please Cancel
MR. Robert M. Wolf, Esq.,
w/ encl.